

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

FILE



IN REPLY REFER TO:
L&O:LNG:lng
(89-03) (LCD-3916)

February 9, 1989

Enez W. Martin
Vice-Chairperson ANC 5-B
1375 Mt. Olivet Road, N.E.
Washington, D.C. 20002

Re: Whether an agency of the District government may provide office space and equipment free of charge to an Advisory Neighborhood Commission.

Dear Ms. Martin:

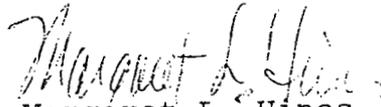
This is in reply to your letter, dated December 27, 1988 and received January 6, 1989, to the Corporation Counsel requesting legal advice concerning whether a District government agency, in this case the Department of Corrections, may, without charge, furnish to Advisory Neighborhood Commission (ANC) 5-B office space and equipment in a building located at 1355-57 New York Avenue, Northeast.

The general rule is that "[a]ll buildings belonging to the District of Columbia shall be under the jurisdiction and control of the Mayor of the District of Columbia." See D.C. Code § 9-129 (1981). Section III of Reorganization Plan No. 5 of 1983 (see D.C. Code Vol 1, 1988 Supp. at p. 55) effected a delegation of this authority to the Director of the Department of Administrative Services (DAS), including the authority to control the use of space in District government buildings. Space in buildings assigned by the Director of DAS to the Department of Corrections is for the use of that Department. The Department of Corrections has no authority to reassign all or any part of that space to other government agencies, including ANCs. Furthermore, we are not aware of any authority under which the Department of Corrections could permit your ANC to use office equipment assigned to the Department. Any use of government space and office equipment for the purposes of operating an ANC office would have to be negotiated with Mr. Robert L. King of the Real Property Administration, DAS. His address is Room 400, 605 G Street, N.W.,

Washington, D.C. 20001, and his telephone number is 729-9775.

In your second question you ask whether ANC 5-B can "enter into a contractual arrangement" for office space with the District government in the "absence of an official vote by the full commission." Whether the Commissioners of ANC 5-B should enter into a contractual agreement for the lease of office space from the District government should be resolved like any other ANC question: by a vote of the full Commission in accordance with its bylaws.¹

Sincerely,



Margaret L. Hines
Deputy Corporation Counsel, D.C.
Legal Counsel Division

cc: Hallem H. Williams
Robert L. King

¹ D.C. Code § 1-261(k) (1987) provides that an ANC's programs may not be "conducted on a contractual basis with existing governmental agencies." However, we do not regard the operation of an ANC office as equivalent to conducting a "program."